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6 Attorneys for Plaintiff  
7 United States of America

8  
9 IN THE UNITED STATES DISTRICT COURT  
10  
11 EASTERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,  
13 Plaintiff,  
14 v.  
15 ETHAN ANDREW EVANS TINDUKASIRI,  
16 Defendant.

17 CASE NO. 1:22-MJ-00117-SAB  
1:22-MJ-00114-SAB

18 STIPULATION AND ORDER FOR EXTENSION  
19 OF TIME FOR PRELIMINARY HEARING  
20 PURSUANT TO RULE 5.1(d), CONTINUANCE OF  
21 STATUS CONFERENCE, AND EXCLUSION OF  
22 TIME

23 DATE: December 1, 2023  
24 TIME: 2:00 p.m.  
25 COURT: Hon. Stanley A. Boone

26 Plaintiff United States of America, by and through its attorney of record, Assistant United States  
27 Attorney KIMBERLY A. SANCHEZ, and defendant ETHAN ANDREW EVANS TINDUKASIRI,  
28 both individually and by and through his counsel of record, CAROL ANN MOSES, hereby stipulate as  
follows:

1. The Complaint in this case was filed on July 14, 2022, and defendant first appeared  
before a judicial officer of the Court in which the charges in this case were pending on July 14, 2022.  
The court set a preliminary hearing date of July 28, 2022. ECF 3. That hearing was continued pursuant  
to a stipulation and request to continue it to August 16, 2022. ECF 14. The hearing was continued  
pursuant to a stipulation and request to continue it several more times: to November 18, 2022 (ECF 24),  
to January 6, 2023 (ECF 29), to March 30, 2023 (ECF 31), to May 19, 2023 (ECF 34), and then to  
December 1, 2023 (ECF 42).

2. By this stipulation, the parties jointly move for an extension of time of the preliminary hearing date in case 1:22-mj-00117-SAB to January 26, 2024, at 2:00 p.m., before the duty Magistrate Judge, pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure. The parties stipulate that the delay is required to allow the defense reasonable time for preparation, and for the government's continuing investigation of the case. Specifically, both the Government and Defense have consulted with forensic experts to discuss the defendant's mental health diagnoses and how they may impact the charges. The parties have also reviewed extensive medical records and continue to have discussions about a pre-indictment resolution in light of ongoing investigation.

3. Additionally, the parties wish to engage in discussions regarding a pre-indictment resolution. The parties further agree that the interests of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

4. By this stipulation, the parties jointly move to continue the status conference on the training misdemeanor case, 1:22-mj-00114-SAB, to January 26, 2024, at 2:00 p.m., before the duty Magistrate Judge

5. The parties agree that good cause exists for the extension of time, and that the extension of time would not adversely affect the public interest in the prompt disposition of criminal cases. Therefore, the parties request that the time between December 1, 2023, and January 26, 2024, be excluded pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv), Local Code T-4.

## IT IS SO STIPULATED.

Dated: November 28, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ **KIMBERLY A. SANCHEZ**  
**KIMBERLY A. SANCHEZ**  
Assistant United States Attorney

1 Dated: November 28, 2023

/s/ CAROL ANN MOSES

2 CAROL ANN MOSES

3 Counsel for Defendant

4 ETHAN ANDREW EVANS

5 TINDUKASIRI

6 **ORDER**

7 The Court hereby finds that the Stipulation, demonstrates good cause for an extension of time for  
8 the preliminary hearing date pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure and  
9 continuance of the status conference.

10 Furthermore, for the reasons set forth in the parties' stipulation, the Court finds that the interests  
11 of justice served by granting this continuance outweigh the best interests of the public and the defendant  
12 in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Court further finds that the extension of time would  
13 not adversely affect the public interest in the prompt disposition of criminal cases.

14 THEREFORE, FOR GOOD CAUSE SHOWN:

15 1. The Court sets a status conference in these matters for **December 1, 2023 at 2:00 p.m.**

16 **before Magistrate Judge Barbara A. McAuliffe.** The Court will accept a Rule 43 waiver  
17 motion, filed in advance, for defendant's appearance at this status conference.

18 2. The date of the preliminary hearing in case 1:22-MJ-00117-SAB and 1:22-MJ-00114-SAB  
19 is extended to **January 26, 2024, at 2:00 p.m. before Magistrate Judge Barbara A. McAuliffe.**

20 The time between December 1, 2023, and January 26, 2024, shall be excluded from calculation  
21 pursuant to 18 U.S.C. § 3161(h)(7)(A). Defendant shall appear at that date and time before the  
22 Magistrate Judge on duty.

23 IT IS SO ORDERED.

24 Dated: November 28, 2023

/s/ Barbara A. McAuliffe

25 UNITED STATES MAGISTRATE JUDGE